

REICH, REICH & REICH, P.C.
Attorneys for Appellant
Nicholas Pasalides
235 Main Street, 4th Floor
White Plains, New York 10601
By: Jeffrey A. Reich, (JR-7535)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

CIMA Group, Inc.,

Chapter 11
Case No. 05-27041 (ASH)

Debtor.

-----X
CIMA Group, Inc.

Plaintiff,

-against-

Adv. Proc. No.
07-08276 (ASH)

Nicholas Pasalides, Joseph Woods,
Mark Velzy, Michiel Boender and
Edgewater Design, Inc., Edgewater
Group Architects a/k/a
Edgewater Group.,

Defendants.

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DESIGNATION OF ITEMS TO BE INCLUDED ON RECORD
OF APPEAL AND STATEMENT OF ISSUES ON APPEAL

Pursuant to Bankruptcy Rule 8006, Appellant, Nicholas Pasalides ("Appellant"), hereby designates the following items to be included in the Record on Appeal from the Order of the Honorable Adlai S. Hardin, Jr., United States Bankruptcy Judge, dated and entered on July 10, 2008, granting CIMA Group, Inc.'s motion for partial summary judgment and awarding judgment thereon in the amount of \$175,000.00:

- 1.) Plaintiff's Motion for Partial Summary Judgment and the Memorandum of Law in support of Motion for Partial Summary Judgment both filed on May 12, 2008 (Docket No. 8);
- 2.) Defendant's Memorandum of Law in Opposition to Plaintiff's Motion for Summary Judgment filed on June 6, 2008 (Docket No. 10);
- 3.) Plaintiff's Statement in Response To Opposition To Motion For Summary Judgment filed on June 20, 2008 (Docket No. 13);
- 4.) Order of the Honorable Adlai S. Hardin, Jr., United States Bankruptcy Judge, dated and entered on July 10, 2008 granting CIMA Group, Inc.'s Motion for Partial Summary Judgment and awarding judgment thereon in the amount of \$175,000.00 (Docket No. 15);
- 5.) Transcript of the hearing held on June 26, 2008 before the Honorable Adlai S. Hardin on the Motion for Partial Summary Judgment;
- 6.) Appellant's Notice of Appeal filed on July 17, 2008 (Docket No. 16);
- 7.) This Designation of Items to be included in record on Appeal and Statement of issues on Appeal dated July 25, 2008.

STATEMENT OF ISSUES ON APPEAL

- 1.) Whether the bankruptcy court erred in granting summary judgment on Plaintiff's "Turnover" cause of action based on its version of the facts surrounding the alleged loan without conducting an evidentiary hearing?
- 2.) Whether the bankruptcy court erred by entering judgment against the Defendant in the amount of \$175,000.00 without consideration and prior to the Defendant having an opportunity to defend and assert his "Affirmative Defense of Setoff" for amounts due him for unpaid wages?

Dated: White Plains, New York
July 25, 2008

REICH, REICH & REICH, P.C.
Co-Counsel for Defendant
Nicholas Pasalides

By: /s/ Jeffrey A. Reich
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AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
COUNTY OF WESTCHESTER)ss:

Samara Neal being sworn says: I am not a party to the action,
am over 18 years of age and reside at 18 Garden Street, Chestnut
Ridge, New York 10977.

On July 28, 2008, I served true copies of a Notice of Appeal
(Document #16) and a Statement of Issues and Designation of Items to
be Included on Record of Appeal (Document #20), by mailing the same
in a sealed envelope, with postage prepaid thereon, in an official
depository of the U.S. Postal Service located in White Plains, New York

addressed to the last-known address of the addressees as indicated below:

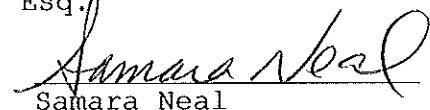
Rosemarie E. Matera, Esq.
Kurtzman Matera, P.C.
664 Chestnut Ridge Road
Spring Valley, NY 10977

Honorable Adlai S. Hardin, Jr.
U.S. Bankruptcy Judge
U.S. Bankruptcy Court
300 Quarropas Street
White Plains, NY 10601

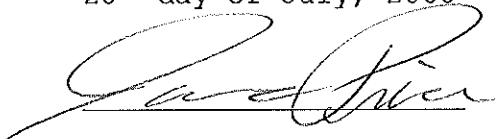
Office of the U.S. Trustee
33 Whitehall Street, 21st Floor
New York, NY 10004

Nicholas Pasalides
Edgewater Design, Inc.
19 Hilltop Road
Katonah, NY 10536

Stephens Baroni Reilly & Lewis, LLP
175 Main Street, 8th Floor
White Plains, New York 10601
Attn: Stephen Lewis, Esq.


Samara Neal

Sworn to before me this
28th day of July, 2008



JOANNE PRICE
Notary Public, State of New York
No. 01PR6046007
Qualified in Dutchess County
Commission Expires August 7, 2016